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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

OLLIE JAMES BLEDSOE, JR.,

Defendant and Appellant.

B207181

(Los Angeles County
Super. Ct. No. GA054782)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Michelle R. Rosenblatt, Judge. Affirmed.

Janice Wellborn, under appointment by the Court of Appeal, for Defendant and
Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant
Attorney General, Pamela C. Hamanaka, Assistant Attorney General, Lawrence M.
Daniels and Russell A. Lehman, Deputy Attorneys General, for Plaintiff and Respondent.

Defendant and appellant, Ollie James Bledsoe, Jr., appeals the judgment entered following his conviction, by jury trial, for robbery (8 counts), assault with a semiautomatic firearm (9 counts) and burglary, with serious felony conviction, firearm and gang enhancement findings (Pen. Code §§ 911, 245, subd. (b), 459, 667, subd. (b)-(i), 12022.53, 186.22).¹ Bledsoe was sentenced to state prison for a term of 62 years, 4 months.

The judgment is affirmed.

BACKGROUND

Given the single sentencing issue raised by defendant Bledsoe in this appeal, the circumstances of his underlying crimes need not be described in detail. The evidence showed Bledsoe was a “shot caller” in the Rollin’ 60s gang. He organized and directed the armed robbery of a bank in South Pasadena during which several employees and patrons were robbed and assaulted. In an unpublished opinion in case No. B182335 (filed April 27, 2007), this court reversed some of Bledsoe’s convictions and remanded to the trial court for resentencing. The instant case is Bledsoe’s appeal from the new sentence imposed by the trial court on remand.

CONTENTION

The trial court improperly used Bledsoe’s prior juvenile adjudication to impose a sentence under the Three Strikes law.

DISCUSSION

At trial, Bledsoe admitted having suffered a prior juvenile adjudication. On remand, the trial court used this juvenile prior to double Bledsoe’s prison term under the Three Strikes law (§ 667, subd. (b)-(i)).

Bledsoe now contends this was impermissible because he did not have the right to a jury trial in the juvenile proceeding. This claim is meritless.

¹ All further statutory references are to the Penal Code unless otherwise specified.

In his brief on appeal, Bledsoe contends using his juvenile adjudication as a strike under the Three Strikes law violated his right to a jury trial under the Sixth Amendment, as construed by *Apprendi v. New Jersey* (2000) 530 U.S. 466 [120 S.Ct. 2348]. However, just after briefing was completed in this case, our Supreme Court held in *People v. Nguyen* (2009) 46 Cal.4th 1007, that use of a juvenile adjudication to increase a defendant's sentence under the Three Strikes law does not violate *Apprendi*.

Nguyen explained that “*Apprendi* requires, at most, the right to a jury trial in the current criminal proceeding with respect to any sentencing fact that may increase the maximum punishment for the underlying conviction. California statutory law afforded defendant the right to have a jury determine the existence of the sentencing fact here at issue – whether he suffered a ‘prior felony conviction’ as defined by the Three Strikes Law – but he waived that right. [¶] In any event, we find nothing in the *Apprendi* line of cases, or in other Supreme Court jurisprudence, that interferes, under the circumstances here presented, with what the high court deemed a sentencing court’s traditional authority to impose increased punishment on the basis of the defendant’s recidivism. That authority may properly be exercised, we conclude, when the recidivism is evidenced, as here, by a *constitutionally valid* prior adjudication of criminal conduct.” (*People v. Nguyen, supra*, 46 Cal.4th at p. 1012.) “*Apprendi* does not bar the use of a constitutionally valid, fair, and reliable prior adjudication of criminal conduct to enhance a subsequent adult sentence simply because the prior proceeding did not include the right to a jury trial. . . . [T]he absence of jury trials from juvenile proceedings does not significantly undermine the fairness or accuracy of juvenile factfinding.” (*Id.* at p. 1025, fn. omitted.)

Hence, the trial court did not err by doubling Bledsoe’s sentence under the Three Strikes law based on the juvenile adjudication.

DISPOSITION

The judgment is affirmed.

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KLEIN, P. J.

We concur:

KITCHING, J.

ALDRICH, J.